

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**ANDREW WEAVER, JR.,**

**Plaintiff,**

**9:12-CV-684**

**v.**

**MICHAEL J. AMATO, Sheriff; MICHAEL  
FRANKO, Jail Administrator;**

**Defendants.**

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**THOMAS J. McAVOY,  
Senior United States District Judge**

**DECISION & ORDER**

**I. INTRODUCTION**

This matter was referred to the Hon. Christian F. Hummel, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. In a Report-Recommendation and Order dated May 31, 2013, Magistrate Judge Hummel recommended that Defendants' motion for summary judgment [dkt. # 9] be granted in part and denied in part. No objections to the Report and Recommendation have been lodged and the time for filing objections has expired.

**II. DISCUSSION**

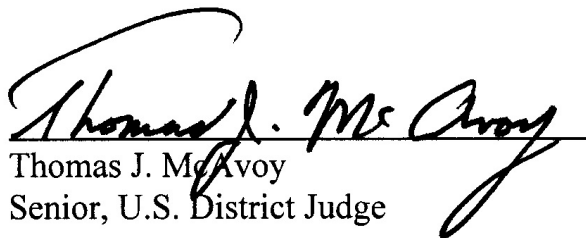
After examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

### III. CONCLUSION

Accordingly, the Court **ADOPTS** the Report-Recommendation and Order for the reasons stated therein. Defendants' motion for summary judgment [dkt. # 9] is **GRANTED in part and DENIED in part**. The motion is **GRANTED** as to Weaver's condition of confinement and religious freedom claims, and such claims are dismissed. The motion is **DENIED** in all other respects.

**IT IS SO ORDERED**

**Dated:** September 24, 2013

  
Thomas J. McAvoy  
Senior, U.S. District Judge